

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid	)	
al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

In its Renewed Expedited Motion for Clarification Regarding the Applicability of Local Criminal Rule 57 to Information to be Made Public in Congressional Proceedings ("Renewed Expedited Motion for Clarification"), the United States indicated that the motion was filed under seal because the motion itself revealed the type of information the Department of Justice believes is forbidden from public disclosure by Local Rule 57. After denying the United States' motion, the Court, sua sponte, issued an Order unsealing the Renewed Expedited Motion for Clarification (without attachments)(Docket #541), the Reply on behalf of the Joint Inquiry (Docket #545), and Response by standby counsel (Docket #550).

Upon further consideration, we find our Order unsealing these pleadings to be premature because we do not know whether the pro se defendant has had an opportunity to review the pleadings and attachments and consider the implications of their

placement in the public case file.<sup>1</sup> Therefore, it is hereby

ORDERED that execution of the unsealing Order of September 24, 2002 be and is STAYED until further order of the Court. Any party having an objection to unsealing the pleadings at issue must advise the Court of the objection and the basis for it by 3:00 p.m. on Thursday, September 26, 2002.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and counsel for the Joint Inquiry.

Entered this 24<sup>th</sup> day of September, 2002.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia

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<sup>1</sup>Although the Certificate of Service attached to the United States' motion indicates that a copy of the motion was hand delivered to the defendant via the United States Marshals Service on Friday, September, 20, 2002, as of 6:00 p.m. on Monday, September 23, 2002, the defendant had not filed a response. Because the hearings before the Joint Inquiry were scheduled to begin on September 24, 2002, the Court ruled on the Renewed Expedited Motion for Clarification without input from Mr. Moussaoui. He, nevertheless, has a right to be heard on whether the pleadings should be unsealed.